

UNITED STATES BANKRUPTCY COURT  
DISTRICT OF SOUTH DAKOTA

In re: ) Bankr. Case No. 10-10092  
DANAE KRISTEN KIRSCHMAN ) Adv. No. 12-01007  
SSN/ITIN xxx-xx-1971 ) Chapter 7  
Debtor. )  
FORREST C. ALLRED, Chapter 7 Trustee, )  
Plaintiff, )  
-vs- )  
FIRST DATA CORPORATION; ) MOTION TO VACATE ENTRY OF  
TELECHECK ACQUISITION LLC; ) DEFAULT AND EXTEND TIME TO  
TELECHECK ACQUISITION-MICHIGAN, ) ANSWER COMPLAINT  
LLC; TELECHECK INTERNATIONAL, )  
INC.; TELECHECK PITTSBURGH/WEST )  
VIRGINIA, INC.; TELECHECK )  
SERVICES, INC; and TRS RECOVERY )  
SERVICES, INC. )  
Defendants. )

The undersigned, Chapter 7 Trustee in the above matter, hereby moves the court to vacate the entry of default entered herein today (Adv. Doc. 7), and to extend the time for all defendants to answer the complaint to April 13, 2012. In support, the Trustee represents to the court:

1. On March 7, 2012, the Trustee spoke to a Jane Williams, who identified herself as working in the office of general counsel for Defendant First Data Corporation. On that day the Trustee e-mailed to Williams the account statement on which the Trustee's complaint is based. Williams advised she would research the matter and respond to the Trustee.

2. On March 29, 2012, the Trustee received an e-mail from Tiffanie Tribble, in which she gave her title as Legal Analyst with Defendant TeleCheck Services, Inc., and in which she reported having had success in locating the Debtor in their database and requested a two-week extension of time for all defendants to answer.

3. Although the aforesaid e-mail was received on March 29, 2012, the Trustee was out of his office all that day, and in the morning of March 30, 2012, had a state-court hearing

which lasted until 11:00 a.m.; therefore, the Trustee did not see the e-mailed extension request until after default had already been entered.

4. The Trustee believes Defendant First Data Corporation is a parent corporation of all remaining defendants.

5. The Trustee has no objection to the extension requested by Defendants, and believes such extension would facilitate settlement and avoid additional cost and expense.

WHEREFORE, the Trustee moves the court to vacate the entry of default, and extend until April 13, 2012, the time for all defendants to answer the complaint.

DATED this 30<sup>th</sup> day of March, 2012.

/s/ Forrest C. Allred

Forrest C. Allred, Chapter 7 Trustee  
14 Second Ave SE, Suite 200  
Aberdeen, SD 57401  
Telephone: (605) 225-3933  
Fax: (888) 225-4943  
e-mail: forrest.allred@gmail.com